IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

MACA.No. 970 of 2007()

OPMV.2632/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
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APPELLANT/PETITIONER IN OP(MV):
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1. **NANIYAMMA,W/O.RAMANKUTTY NAIR (LATE), AGED 72,RESIDING AT PATTAYIL HOUSE,PALATH POST, KOZHIKODE.**

2. **RAGHAVAN NAIR,S/O.RAMANKUTTY NAIR, (LATE),AGED 57, -DO-**

3. **PANKAJAKSHI,D/O.RAMANKUTTY NAIR (LATE), AGED 54, -D0-**

4. **BALAMANI,D/O.RAMANKUTTY NAIR (LATE), AGED 50 YEARS.**

5. **BHANUMATHI,D/O.RAMANKUTTY NIAR (LATE), AGED 47, -DO-**

6. **BABY,D/O.RAMANKUTTY NAIR (LATE), AGED 45 YEARS, -DO-**

7. **PARAMESWARAN,S/O.RAMANKUTTY NIAR (LATE), AED 43 YEARS, -DO-**

8. **RAMESHAN,S/O.RAMANKUTTY NAIR (LATE), AGED 37 YEARS, -DO-**

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS:
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1. **E.K.NOUSHAD,S/O.ABDURAHIMANKUTTY HAJI, EDAVALAKANDY,PADANILAM POST,KUNNAMANGALAM, KOZHIKODE.**

2. ABDU NISSAR P.M,S/O.ABOOBACKER,
AGED 31 YEARS,POOVANMALA HOUSE,RAROTH AMSOM,
CHAMAL DESOM,RAROTH POST,THAMARASSERY-VIA.

3. THE UNITED INDIA INSURANCE CO,LTD,
MAVOOR ROAD JUNCTION,KOZHIKODE.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.NO.970 OF 2007 (B)

Dated this the 15th day of June, 2007

J U D G M E N T

KOSHY,J.

An 80 year old man died in a motor accident on 9.11.1999. His wife 65 year old and children aged between 30 and 50 years filed application for compensation. Since he was not earning, Tribunal has taken only notional income for calculation of compensation and then taking guidance from the second schedule, 5 was taken as the multiplier considering the age of his wife and compensation was calculated. Only dependent was the wife as all children were major. Amount awarded was Rs.66,500/- with interest from the date of application. Just and reasonable compensation is awarded by the tribunal and hence no interference is required. Accordingly this appeal is dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

8th June, 2007